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November 14, 2000

Craig Melodia, Assistant Regional Counsel
United States Environmental
Protection Agency, Region V
Office of Regional Council (C-14J)
77 West Jackson Boulevard
Chicago, IL 60604-3590

**Re: Skinner Landfill, West Chester, Ohio
David Hirschberg Company**

Dear Mr. Melodia:

This is in response to your letter of November 8, 2000. The undersigned is counsel for The David Hirschberg Company.

You have requested that in order to begin settlement discussions and determine an appropriate settlement amount, you will need copies of the Allocator's final findings dated April 12, 1999 and the preliminary findings dated October 6, 1998. Copies of those documents are enclosed.

Also enclosed is James P. Rolman's Affidavit dated August 7, 1991 that was filed with the U.S. EPA, together with correspondence from our client reiterating its position that it did not ship toxic materials to the Skinner site but only non-hazardous waste consisting of wooden skids and unmarketable paper. Further, you will recall that on October 14, 1999, we submitted to Michael J. O'Callaghan data pertaining to our client's ability to pay the then proposed settlement offer of \$44,591.16. The only change in that data would be the fact that the scrap market has deteriorated during the last year further reducing our client's ability to pay.

We trust that you will take all of the information into account and we look forward to attempting to negotiate a settlement that is satisfactory to both parties. If you need anything further, please advise.

Sincerely,



DR:rrws
Enclosures

DAVID HIRSCHBERG CO.
NEW — STRUCTURAL STEEL — USED

P.O. BOX 15815
LOCKLAND, CINCINNATI, OHIO 45215

MICHAEL R. WEISER



OFFICE AND WAREHOUSE
209-229 LONGWORTH STREET

PHONE (513) 821-0514

821-0515

821-2465

Affidavit

FAX (513) 821-6415

Superfund Program Management Branch
U. S. Environmental Protection Agency
230 South Dearborn Street
Chicago, Illinois 60604

Attention: Paul J. Rogers

RE: Skinner Landfill

Dear Sir:

A diligent process has been applied with present employees to locate data on the Skinner Landfill as you requested. A record search has also been completed relating to same. Research indicated that seven (7) loads were delivered to the landfill between the years 1955 and 1961. The monetary amount paid to the Skinner Landfill was One Hundred Forty Dollars (\$140.00). The amount of wastematerial delivered to the landfill is not available, due to the fact that all former employees (drivers) are now deceased. Based on personal knowledge, the material delivered consisted of wood skids (broken) and unmarketable paper. These materials were delivered to the Skinner Landfill by the David Hirschberg Co. dump truck.

Sincerely,
DAVID HIRSCHBERG CO.

James P. Rolman
James P. Rolman, Company Representative

CC: File

JB/kr

STATE OF OHIO, COUNTY OF HAMILTON, SS:

BE IT REMEMBERED, That on the 7th day of August, 1991, before me the undersigned, a Notary Public, in and for said County and State, personally came before me,

James P. Rolman

Known to me, and acknowledged the signing thereof to be his voluntary act and deed for the uses and purposes therein mentioned.

(over)



STEEL SERVICE
DIVISION

THE DAVID HIRSCHBERG STEEL COMPANY

Est. 1913 "Serving the Tri-State for 80 Years"

OFFICE/WAREHOUSE: 209-229 Longworth St., Lockland, Ohio
MAILING ADDRESS: P. O. Box 15815, Cinti., OH 45215-0815



SURPLUS &
RECYCLING
DIVISION

PHONE (513)
821-0514
821-0515

FAX (513)
821-6415

United State Environmental
Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Attn: C-29A

Re: Alternative Dispute Resolution and Related Litigation
Skinner Landfill Site
West Chester, OH

Gentleman:

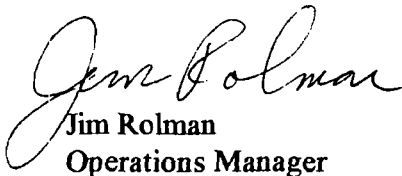
The David Hirschberg Company has reviewed its records which show that during the period 1955-1961 it delivered to the Skinner Landfill seven (7) loads of non-hazardous waste material consisting of wooden skids and unmarketable paper.

We have further reviewed documentation provided by the plaintiff to our company in this matter and it is clear that any presumed hazardous waste at the Skinner Landfill was not received from the David Hirschberg Company.

Accordingly, our company denies any liability for clean-up at the Skinner Landfill site and we decline to participate in any alternative dispute resolution pertaining to same.

Very truly yours,

DAVID HIRSCHBERG COMPANY


Jim Rolman
Operations Manager



THE DAVID HIRSCHBERG STEEL COMPANY

Est. 1913 "Serving the Tri-State for 80 Years"

STEEL SERVICE
DIVISION

OFFICE/WAREHOUSE: 209-229 Longworth St., Lockland, Ohio

MAILING ADDRESS: P. O. Box 15815, Cinti., OH 45215-0815

United States Environmental
Protection Agency

PHONE (Region 5)

821-0517 West Jackson Boulevard

821-0515 Chicago, Illinois 60604-3590



SURPLUS &
RECYCLING
DIVISION

FAX (513)
821-6415

Attention: C-29A

**Re: Alternative Dispute Resolution and Related Litigation
Skinner Landfill Site
West Chester, Ohio**

Gentlemen:

This is in response to your letter of June 11, 1997 addressed to parties who have not signed alternate dispute resolution participation statements in connection with the above matter.

The David Hirschberg Company has reviewed its records which show that during the period 1955 - 1961 it delivered to the Skinner Landfill seven (7) loads of non-hazardous waste material consisting of wooden skids and unmarketable paper.

We have further reviewed documentation provided by the plaintiff to our company in this matter and it is clear that any presumed hazardous waste at the Skinner Landfill was not received from the David Hirschberg Company.

Accordingly our company denies any liability for clean-up at the Skinner Landfill site and we decline to participate in any alternative dispute resolution pertaining to same.

Very truly yours,

DAVID HIRSCHBERG COMPANY


Jim Rolman



STEEL SERVICE
DIVISION

THE DAVID HIRSCHBERG STEEL COMPANY

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MAILING ADDRESS: P. O. Box 15815, Cinti., OH 45215-0815



SURPLUS &
RECYCLING
DIVISION

PHONE (513)
821-0514

FAX (513)
821-6415

February 1, 1999

Karl S. Bourdeau
Beveridge & Diamond, P.C.
Suite 700
1350 I Street NW
Washington, DC 20005-3311

RE: Skinner Landfill Site

Dear Mr. Bourdeau:

Our position remains the same; that the David Hirschberg Company denies any liability for the clean up at the Skinner Landfill Site. We have received documentation provided by the plaintiff to our company in this matter and it is clear that any hazardous waste at the Skinner Landfill was not received from the David Hirschberg Company.

Should you have any further questions, please contact me at the numbers above.

Sincerely,

James P. Rolman
Plant Manager

April 17, 1998

Coolidge, Wall, Womsley & Lombard
Attention: Roger Makley
Suite 600
33 West First Street
Dayton, Ohio 45402-1289

Dear Mr. Makley:

Please find the enclosed letter concerning the Skinner Landfill Site.

We have explained that The David Hirschberg Company is engaged in business in Lockland, Ohio as a metal scrap processor. As such, it purchases obsolete and discarded metallic objects that it processes and manufactures into prepared grades of scrap metal for sale or for re-melting into new steel. The David Hirschberg Company does not generate or dispose of fluids or hazardous waste of any sort.

Sincerely,

James P. Rolman
Plant Manager

Is your RETURN ADDRESS completed on the reverse side?

SENDER: <ul style="list-style-type: none">Complete items 1 and/or 2 for additional services.Complete items 3, 4a, and 4b.Print your name and address on the reverse of this form so that we can return this card to you.Attach this form to the front of the mailpiece, or on the back if space does not permit.Write "Return Receipt Requested" on the mailpiece below the article number.The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: KARL S BOURDEAU ESP BLUE RIDGE E DIAMOND P.R. 1350 I ST NW. WASHINGTON TO, DC 20005-3811		4a. Article Number 2013 770 423	
5. Received By: (Print Name)		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
6. Signature: (Addressee or Agent) X R. Muhammad		7. Date of Delivery 6-26-97	
		8. Addressee's Address (Only if requested and fee is paid)	
PS Form 3811, December 1994		Domestic Return Receipt	

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER: <ul style="list-style-type: none">Complete items 1 and/or 2 for additional services.Complete items 3, 4a, and 4b.Print your name and address on the reverse of this form so that we can return this card to you.Attach this form to the front of the mailpiece, or on the back if space does not permit.Write "Return Receipt Requested" on the mailpiece below the article number.The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 5 77 WEST JACKSON BOULEVARD CHICAGO, ILL 60604-3570		4a. Article Number 2013 770 424	
5. Received By: (Print Name)		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
6. Signature: (Addressee or Agent) X Wm. Moller		7. Date of Delivery 6-26-97	
		8. Addressee's Address (Only if requested and fee is paid)	
PS Form 3811, December 1994		Domestic Return Receipt	

Thank you for using Return Receipt Service.

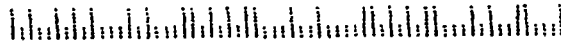
UNITED STATES POSTAL SERVICE



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USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DAVID HIRSCHBERG CO
JIM ROLMAN
209 Longworth St
Lockland, Cinti, OHIO
45215-0815



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JIM ROLMAN
209 Longworth St
Lockland, Cinti, OHIO
45215-0815

Skinner Landfill Superfund Site

Preliminary Allocation Report and Recommendations

**John M. Barkett
Allocator**

October 6, 1998

Skinner Landfill Superfund Site

Preliminary Allocation Report and Recommendations

Appendix 1

ADR Participants A - M

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THE DAVID HIRSCHBERG STEEL COMPANY ("DHSC")

The only information provided by the David Hirschberg Steel Company was an undated letter to EPA signed by its operations manager, Jim Rolman. Presumably the letter was written in response to an EPA information request. Mr. Rolman advised EPA that it had delivered "seven loads of non-hazardous waste consisting of wooden skids and unmarketable paper" in response to the following Skinner log entries:

July 12, 1955	\$32
April 4, 1959	\$ 4
September 21, 1959	\$ 8
February 3, 1960	\$ 8
April 2, 1960	\$39
May 21, 1960	\$39
April 10, 1961	\$10

DHSC did not explain how it determined what these dollar items represented. It did not otherwise file a questionnaire response and it did not file a position paper. Using the same multiplier that was used for a number of cities above (\$.1067), the \$140 represented by the Skinner log entries would represent 1,312 cys.

Ray Skinner gave testimony about DHSC on pages 314-317 of his deposition. He testified that DHSC was a "scrap company." He recalled that it used the site to bring in about one load per month of things like car seats, tires, "stuff they couldn't use, they would haul in the dump." He also saw some wood in some of the loads. He also explained that DHSC would "scoop up the dirt and stuff up off the ground to haul in there, too." He added:

A. From this, they would process their metal. You would get so much dirt off the metal, heavy metal, whatever you want to call it, they would scoop it up and haul it in there.

Q. Was this a foundry?

A. No, a junk yard. They brought tons of metal in there, and they would clean it and process it. And when the pile kept a-building up, they would dig it up, the broken glass and stuff like that, and haul it to our place.

Ray Skinner suggested that "you are bound to have oil" in the material brought to the Site because of the presence of oil in the cars that were being junked by DHSC.

Ray Skinner testified that DHSC used a dump truck "about a 20-yard." He placed the time period as "way before my brother died" saying that DHSC may have used the Site up to the time his brother died and placed the usage of the Site at "five or six years, at least." Read literally, this testimony would represent 240 cys per year or 1,200 cys to 1,440 cys over a 5-6 year period.

Waste-In Amount. My largest concern is that Ray Skinner had the right name but the wrong time period. Nonetheless, no challenge has been made to his testimony. Hence, I am assigning DHSC 1,312 cys based on the Skinner log entries and 1,320 cys based on the Ray Skinner testimony (20 cys x 12 months x 5.5 years), for a total of 2,632 cys of solid wastes as described above.

Skinner Landfill Superfund Site

Final Allocation Report and Recommendations

**John M. Barkett
Allocator**

April 12, 1999

Skinner Landfill Superfund Site

Final Allocation Report and Recommendations

Appendix 1

ADR Participants A - M

THE DAVID HIRSCHBERG STEEL COMPANY

The waste-in amount for this party used a divisor from the Preliminary Report's analysis of 's volume. That divisor (\$.1067) should have been (\$.21333). (See the discussion.) As a result, volume added to DHSC's volume based on the Skinner log should have been 856 cys, not 1,312 cys. DHSC's waste-in amount, therefore, totals 1,976 cys (see page 96 of Appendix 1 to the Preliminary Report.)